

DAVID CHIU, State Bar #189542
City Attorney
YVONNE R. MERÉ, State Bar #173594
Chief Deputy City Attorney
TARA M. STEELEY, State Bar #231775
JOHN H. GEORGE, State Bar #292332
KAITLYN M. MURPHY, State Bar #293309
SABRINA M. BERDUX, State Bar #248927
ABIGAIL H. WALD, State Bar #309110
Deputy City Attorneys
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-4655 (Steeley)
(415) 554-5960 (George)
(415) 554-6762 (Murphy)
(415) 554-3929 (Berdux)
(415) 554-3901 (Wald)
Facsimile: (415) 554-4699
E-Mail: tara.steeley@sfcityatty.org
john.george@sfcityatty.org
kaitlyn.murphy@sfcityatty.org
sabrina.m.berdux@sfcityatty.org
abigail.wald@sfcityatty.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE ROE, an individual; MARY ROE, an individual; SUSAN ROE, an individual; JOHN ROE, an individual; BARBARA ROE, an individual; PHOENIX HOTEL SF, LLC, a California limited liability company; FUNKY FUN, LLC, a California limited liability company; and 2930 EL CAMINO, LLC, a California limited liability company,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO, a California public entity,

Defendant.

Case No. 4:24-cv-01562-JST

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S OBJECTION TO PLAINTIFFS' REPLY IN SUPPORT OF ADMINISTRATIVE MOTION TO EXTEND TIME (ECF NO. 121)

Trial Date: August 10, 2026

1 Defendant City and County of San Francisco objects to Plaintiffs' reply brief. ECF No. 121.
2 The local rules do not permit reply briefs with administrative motions unless ordered by the Court.
3 N.D. Cal. Civ. L. R. 7-11(c) ("Unless otherwise ordered, a Motion for Administrative Relief is deemed
4 submitted for immediate determination without hearing on the day after the opposition is due."); *see*
5 *also Morgenstein v. AT & T Mobility LLC*, No. CV 09-3173 SBA, 2009 WL 3021177, at *3 (N.D. Cal.
6 Sept. 17, 2009) ("The Court directs Defendant to Civil L.R. 7 -11 that prohibits a Reply in
7 Administrative Motions."); *Omoregie v. Boardwalk Auto Ctr., Inc.*, No. C 07-3884 PJH, 2008 WL
8 4792643, at *1 (N.D. Cal. Oct. 31, 2008) ("Plaintiff's objection to defendant's opposition, is in essence
9 a reply brief, which is not permitted by Civil Local Rule 7-11, the route plaintiff chose by which to
10 proceed."). The Court did not order reply briefing here and should refuse to consider Plaintiffs' filing.

11 The City also objects to the content of Plaintiffs' reply as misleading to suggest the reason Dr.
12 TerMeer's deposition did not proceed on October 21 was because of the City's objection, when in fact
13 Dr. TerMeer's counsel informed the parties the witness was out of the country and Plaintiffs took the
14 deposition off-calendar.

15 On October 9, after the City learned Plaintiffs intended to serve the non-parties with deposition
16 subpoenas it requested Plaintiffs provide proofs of service when the notices were served. One week
17 later, having received no confirmation, the City followed-up again stating: "We followed up on last
18 Thursday 10/9 to request proofs of service when the proposed subpoenas had been served on the four
19 non-party witnesses, and have not yet received confirmation that the deposition notices were ever
20 served. Accordingly, the City understands that these depositions will not go forward and [sic] the date
21 and time initially proposed. Given the limited window before these depositions are set to take place,
22 can you please confirm that understanding today?" Plaintiffs' counsel responded: "I am currently
23 working on when those two depositions can be scheduled and will of course get your availability
24 before confirming anything," to which the City replied: "Thanks for the email and appreciate the
25 context. We'll get you availability for the HH dates, but appreciate you confirming that there's no
26 need for us to schedule coverage for the initially noticed dates next week on Tuesday (10/21) and
27 Wednesday (10/22)." Four days later on October 20, Plaintiffs' counsel changed course and sent an
28 email stating: "So the deposition of Dr. TerMeer and PMQ of SF Aids will be going forward

tomorrow at 10AM as noticed. *They were served this morning and there is an off chance they might appear.*” (emphasis added). There was no update indicating the deposition of Mr. Wilson would proceed. Later that same day counsel for Dr. TerMeer wrote the parties that his client “is currently out of the country on a previously scheduled vacation and is unavailable for deposition at this time,” to which Plaintiffs’ counsel responded: “Thank you for reaching out and letting us know. We can confirm that the deposition scheduled for tomorrow will not proceed as Dr. TerMeer is out of the country.” Any suggestion that the City was the reason these depositions did not move forward on October 21 and 22 is incorrect.

Dated: November 3, 2025

DAVID CHIU
City Attorney
YVONNE R. MERÉ
Chief Deputy City Attorney
TARA M. STEELEY
JOHN H. GEORGE
KAITLYN M. MURPHY
SABRINA M. BERDUX
ABIGAIL H. WALD
Deputy City Attorneys

By: /s/Kaitlyn Murphy
KAITLYN MURPHY

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO